

TIPS FOR THE CONSUMER!

Do you shop over the Internet or by catalog? GREAT . . .

BUT . . . KNOW YOUR RIGHTS!

WHAT ARE YOUR RIGHTS?

Two main principles govern the method of sale: (1) you must be provided **accurate and adequate quantity information** so you can make a price and quantity comparison, and (2) **the quantity must be represented accurately** so as not to mislead or deceive you. These principles enable you to make value comparisons.

Maybe you have joined the new wave of consumers who shop by catalog or over the Internet (indirect sales). Maybe you continue to patronize your favorite store (direct sales). Regardless of how you shop, laws govern the method of sale to enable a consumer to make value comparisons. “Indirect sales” are all forms of sales where the customer is not physically present to make the purchase. That includes Internet or on-line sales, catalog sales, and even telephone and fax sales. And while you cannot physically examine the product in an indirect sale, the laws still apply.

But sometimes that comparison is difficult to make.

Do you want to buy a basket with four flavors of popcorn, butter pecan cookies, sugar cookies, frosted Bavarian pretzels, caramel chocolate turtles, sour stars, and a tin of honey roasted peanuts (\$49.95)? Or, do you want to buy a Jumbo Sampler with two kinds of popcorn, spicy peanuts, Bavarian candied pretzels, sour stars, caramel chocolate turtles, and chocolate coins (\$39.95)?

In these examples the consumer has no way to determine the best value or the quantity of what he is actually buying. The ingredients are similar, but what makes one basket worth \$10 more than the other basket? The value depends on accurate and adequate quantity information. The consumer is unable to make a wise decision, since the **quantity is not given**. The advertising does **NOT** comply with the laws for method of sale.

WHAT SHOULD YOU BEWARE OF?

- ◆ Advertisements that state the quantity as “approximately” or “about.” This description is misleading.
- ◆ Advertisements that describe a product by size such as “jumbo” or “large” or “giant.” Everyone has a different perception of such terms.
- ◆ Advertisements that state how many people the product will serve (feeds 25). This statement is misleading because different people consume varying amounts of food and serving sizes are unique to each individual. Statements of servings are not adequate as quantity declarations.

WHAT CAN YOU DO TO BE A SMART CONSUMER?

You need to know the net weight and the unit price of the product you are buying. A random weight product has no set or fixed weight. The weight of a turkey is random since the weight varies according to the size of each bird; however, a 10-oz can of green beans is a standard package since the manufacturer packs every can with 10 ounces of green beans.

WHAT IS PROPER LABELING OF A RANDOM PACKAGE AND WHAT IS NOT?

FOR RANDOM WEIGHT PACKAGES:

IMPROPER ADVERTISING AND LABELING FOR INDIRECT SALES	PROPER ADVERTISING FOR INDIRECT SALES	PROPER LABELING FOR INDIRECT SALES
4 Del Monico Steaks \$100.00	4 Del Monico Steaks (3.5 – 4 lb) \$25.00 per lb Maximum Price \$100* **	4 Del Monico Steaks Unit Price \$25.00 per lb Net Wt: 3.72 lb Total Price: \$93.00
Smoked Ham (6 – 8 lb) \$ 44.90	Smoked Ham (6 – 8 lb) Maximum Price \$55.60* Unit Price: \$6.95 per lb **	Smoked Ham Unit Price: \$6.95 per lb Net Wt. 6.5 lb Total Price: \$45.18
Fruit Basket Small \$ 20.00 Medium \$ 27.00 Large \$ 35.00	Fruit Basket: Small (7 lb) \$20.00 Medium (12 lb) \$27.00 Large (18 lb) \$35.00	Small Fruit Basket (7 lb) \$20.00 <i>or</i> Medium Fruit Basket (12 lb) \$27.00 <i>or</i> Large Fruit Basket (18 lb) \$35.00
Giant Texas Turkey (Feeds 75) \$ 95.10	Texas Turkey (28 – 30 lb) (feeds 75) Maximum Price: \$95.10 Unit Price: \$3.17 per lb **	Texas Turkey Unit Price \$3.17 Net Wt. 30.00 lb Total Price: \$95.10

*Vendor shall not charge more than the advertised maximum total price even if the net weight of the product delivered exceeds the range of weights advertised.

** Identity of product, unit price, net weight, and total price for each product delivered to the customer must be provided on the package or delivery receipt at the time of delivery.

WHAT IS PROPER LABELING OF A STANDARD PACKAGE AND WHAT IS NOT?

FOR STANDARD PACKAGES:

IMPROPER ADVERTISING AND LABELING FOR INDIRECT SALES	PROPER ADVERTISING AND LABELING FOR INDIRECT SALES
1 bottle Orange Juice \$2.95	Orange Juice 20 fl oz (1 pt 4 oz) 591 mL \$2.95
1 package Cheddar Cheese \$15.95	Cheddar Cheese 1 lb (453 g) net wt. \$15.95
4-pack Sirloin Patties \$18.95	Sirloin Patties Net Wt 2 lb (906 g) \$18.95

♦ If you think that a retailer is not supplying the proper information for you to make a value comparison, contact your local weights and measures official or your State Director of Weights and Measures. A list of State Directors is available on the Internet at www.nist.gov/owm under the bullet “General Information.”

If you are unable to contact the appropriate department, contact the Office of Weights and Measures at the National Institute of Standards and Technology (by telephone at 301-975-4006, by fax at 301-926-0647, or by e-mail at owm@nist.gov).